

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

STEPHEN STOUDMIRE,

Plaintiff,

X Index No.:

VERIFIED COMPLAINT

-against-

THE CITY OF NEW YORK and POLICE OFFICER
FORD,

Defendants.

X

Plaintiff, by his attorneys, **RANDAZZO & GIFFORDS, P.C.**, complaining of the
Defendants, upon information and belief, alleges as follows:

1. That at all times hereinafter mentioned, Plaintiff, STEPHEN STOUDMIRE, was and still is a resident of the County of Bronx, State of New York.
2. That at all times hereinafter mentioned, Defendant, THE CITY OF NEW YORK, (hereinafter referred to as "CITY"), was a municipal corporation organized and existing under the laws of the State of New York.
3. That heretofore, and within ninety (90) days of the date of the occurrence herein set forth, and upon which this action is based, Plaintiff caused to be served upon the Defendant, CITY, a Notice of Claim in compliance with the Statutes of the State of New York, and setting forth the nature of the claim, the time when, the place where, and the manner in which the claim arose, and the items of damage and injury claimed, together with a demand for payment of a judgment thereof; and more than thirty (30) days have elapsed since the presentation of the claim,

and the Defendant, CITY, has failed to pay or adjust same; Plaintiff has otherwise complied with the requirements for the commencement of an action against the Defendant, CITY, and this action is commenced within one (1) year of the occurrence.

4. That at all times hereinafter mentioned, the Defendant, CITY, supervised and managed the police department of the City of New York.

5. That on or about the 13th day of June 2007, as plaintiff was lawfully walking on Hunts Point Avenue, Bronx County, City and State of New York, he was stopped and detained without a warrant, and without reasonable cause for the stop by police officers, one of whom was the Defendant, Police Officer Ford; and said officers were in the course of their employment, and Plaintiff lost his freedom and he was aware of the loss, and he was frisked and/or searched with excessive force and was caused to sustain personal injuries without any negligence or other acts on his part contributing thereto.

6. That Police Officer Ford was a member of the New York City Police Department and in the course of his employment for the City of New York.

7. That the aforesaid acts of the police officers were intentional and constituted an assault and/or battery to Plaintiff's person, all to Plaintiff's damage.

8. That by reason of the foregoing, the Plaintiff was rendered sick, sore, lame and disabled and suffered serious, grievous and permanent physical and mental injuries and additional injuries and constant physical pain and suffering, all to the Plaintiff's damage.

9. That by reason of the foregoing, the Plaintiff has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action.

AS AND FOR A SECOND CAUSE OF ACTION

10. That Plaintiff repeats and re-iterates each and every paragraph marked and numbered "1" through "9" with the same force and effect as if more fully set forth herein at length.

11. That the police officers profiled the Plaintiff and interfered with his rights and freedom and thereby violated his civil rights, all to his damage.

12. That by reason of the foregoing, the Plaintiff has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action.

AS AND FOR A THIRD CAUSE OF ACTION

13. That Plaintiff repeats and re-iterates each and every paragraph marked and numbered "1" through "12" with the same force and effect as if more fully set forth herein at length.

14. That the aforesaid acts of the police officers were committed intentionally without the right or privilege of confining the Plaintiff; and Plaintiff was taken into custody without his consent and was aware that he lost his freedom and under these circumstances the acts of the police officers in falsely imprisoning the Plaintiff were unlawful.

15. That by reason of the foregoing, the Plaintiff has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action.

AS AND FOR A FOURTH CAUSE OF ACTION

16. That Plaintiff repeats and re-iterates each and every paragraph marked and numbered "1" through "15" with the same force and effect as if more fully set forth herein at length.

17. That the aforesaid acts of the police officers were such that they constituted false arrest.

18. That by reason of the foregoing, the Plaintiff has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action.

AS AND FOR A FIFTH CAUSE OF ACTION

19. That Plaintiff repeats and re-iterates each and every paragraph marked and numbered "1" through "18" with the same force and effect as if more fully set forth herein at length.

20. That at the aforesaid time and place, the police officers involved, including the Defendant Police Officer Ford, were servants, agents, and/or employees of the Defendant, the City of New York.

21. That the City was negligent in hiring said officers and failing to note their vicious propensities and/or unsuitability for the purposes for which they were hired and failing to supervise said officers and/or keeping in its employ persons unfit and unsuited for the positions for which they had been retained.

22. That by reason of the foregoing, the Plaintiff has been damaged in a sum which

exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action.

AS AND FOR A SIXTH CAUSE OF ACTION

23. That Plaintiff repeats and re-iterates each and every paragraph marked and numbered "1" through "22" with the same force and effect as if more fully set forth herein at length.

24. That the aforesaid acts of the police officers constituted the negligent infliction of emotional distress.

25. That by reason of the foregoing, the Plaintiff has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action.

26. That this action falls within one or more of the exceptions as contained in Article 1602 of the CPLR .

WHEREFORE, Plaintiff demands judgment against the Defendants on the First, Second, Third, Fourth, Fifth, and Sixth Causes of Action in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action together with costs and disbursements.

Dated: Lake Success, New York
December 17, 2007



RANDAZZO & GIFFORDS, P.C.

By: Norma Giffords
Attorneys for Plaintiff
3000 Marcus Avenue, 1E11
Lake Success, New York 10042
(516) 355-0780

VERIFICATION


STATE OF NEW YORK)
) ss:
COUNTY OF BRONX)

STEPHEN STOUDMIRE , being sworn, says that I am the Plaintiff in the action herein. I have read the annexed COMPLAINT and know the contents thereof and the same are true to my knowledge, except those matters herein which are alleged on information and belief, and as to those matters, I believe them to be true.



STEPHEN STOUDMIRE

Sworn to before me this *Jan 5/2008*
day of ~~December~~, ~~2007~~



Notary Public

Notary Public for the State of New York
James J. [unclear]
2009